



December 7, 2021

Via ECF

The Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Scott v. Chipotle Mexican Grill, Inc.*, No. 12 Civ. 8333 (ALC) (SN)

Dear Judge Carter:

Together with Shavitz Law Group, P.A. and Fitapelli & Schaffer LLP, we represent Plaintiffs in the above-referenced matter.

We write to address the Court's request for additional information about the description of costs accrued and hours billed by Goldstein & Russell P.C. in this case.¹ See ECF No. 1196 (November 8, 2021 Order), at 2. Enclosed as **Exhibit 1** is an updated Declaration of Sarah E. Harrington ("Revised Harrington Declaration") executed on December 2, 2021. Paragraph 9 of the Revised Harrington Declaration includes a description of the hours billed and work performed by Goldstein & Russell, P.C. on this matter. These details are similar to the information submitted on behalf of the other firms in this case.² See ECF No. 1196 (November 8, 2021 Order), at 2.

Plaintiffs respectfully renew their request for approval of \$6,100,000 in attorneys' fees and costs and expenses, on the basis of the Revised Harrington Declaration as well as for the reasons set forth in Plaintiffs' Unopposed Motion for Approval of Settlement, Service Awards, and Attorneys' Fees and Costs, ECF No. 1193, and accompanying exhibits. This fee request is reasonable in light of the lengthy, hotly contested litigation, which required expenditure of a combined total of \$14.2 million in attorney lodestar for extensive briefing, discovery, and appellate proceedings. See ECF No. 1194 (Plaintiffs' Br.), at 2-11, 26-31 (detailing work done over ten phases of the litigation, not including the eleventh phase of settlement administration);

¹ Under separate cover, Chipotle will write to address the Court's concerns regarding the publicity provision.

² This information is also consistent with the information included in paragraph 88 of the Declaration of Melissa L. Stewart in Support of Plaintiffs' Unopposed Motion for Approval of Settlement, Service Awards, and Attorneys' Fees and Costs ("Stewart Declaration"). See ECF No. 1195 (providing that Goldstein & Russell, P.C. accrued a lodestar of \$10,899.90 and incurred no costs).

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ECF No. 1195 (Stewart Decl.) ¶ 88; *see also* ECF No. 1194 (Plaintiffs' Br.), at 35-36 (collecting cases approving requests for attorneys' fees that were separately negotiated from the settlement amount to collective members). The fee sought represents just 38% of Plaintiffs' counsel's total lodestar (after deduction of actual out-of-pocket expenses from the requested award); or 46% of total lodestar if no portion of the requested award were allocated to actual out-of-pocket costs. ECF No. 1194 (Plaintiffs' Br.), at 31-32, 38 & n.14. Plaintiffs' counsel's customary hourly rates are appropriate for the lodestar analysis in light of the high degree of success obtained and counsel's representation of the Collective on a contingent fee basis. *See id.* at 33-35.

Respectfully submitted,

/s/ Melissa L. Stewart

Melissa L. Stewart

Counsel for Plaintiffs

cc: Counsel of record (via ECF)